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Getting a divorce? Be aware of what's in your e-mail



Enlarge

By Verizon

An airline passenger uses his laptop computer. A new survey says electronic evidence, such as e-mail, is a factor in a growing number of divorces.

By Janet Kornblum, USA TODAY

Love may be in the air this Valentine's season. But it's also in e-mail, text messages and MySpace and Facebook profiles, as couples are increasingly learning — sometimes the hard way.

Just look at what happened to Detroit Mayor Kwame Kilpatrick. He and his former chief of staff are under investigation after the *Detroit Free Press* revealed contents of their text messages on city-issued paging devices. The messages revealed romantic banter, the newspaper reported.

In a new survey, about 88% of American Academy of Matrimonial Lawyers say they've seen an increase in the number of divorce cases using electronic data as evidence during the past five years. That evidence is being used to catch people doing everything from cheating to keeping secret assets, such as buildings, as courts try to split up property equitably.

Not only are lawyers scouring inboxes, they're also looking at MySpace and Facebook pages as well as documents, electronic calendars and all sorts of computerized data. And several companies market software to spy on spouses' PC use.

People "will leave things on the computer that you would never leave lying around on the coffee table," says James Hennenhoefler, a family attorney in Vista, Calif., and president of the academy. "It's astounding. It's almost as if they want to get caught."

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Raymond Leon Roker knows firsthand what it's like to get busted by e-mail. Not only did his girlfriend find e-mails he had written to his paramour, she sent him an e-mail pretending to be the other woman and got him to inadvertently acknowledge the affair.

"She nailed me big time," says Roker, 39, in a telephone interview from Los Angeles, where he is a publisher of an independent music magazine.

Apparently, e-mail snooping is not as uncommon as people might think. A new Google survey indicates that 27% of women and 21% of men have admitted that they snooped on someone else's e-mail.

In addition to people discovering infidelities through e-mail or other electronic formats, attorneys routinely use electronic data to track assets, especially in "no-fault" states such as California where couples don't need to prove infidelity to be granted a divorce. In one case, Hennenhoefler says, he found a \$12 million building his client's ex-husband had not disclosed.

Family-law specialist Marlene Moses of Nashville has found evidence on MySpace and Facebook pages as well.

"It's amazing what people put in there about themselves and their businesses," she says. "There's a disconnect for people. For some reason, people are under the mistaken impression that the electronic data is safe."

Electronic evidence probably has not led to more divorces, Moses says. But it can certainly make a lawyer's job easier.

"I've been in this business 27 years," she says. "People were much more careful about what they wrote down in correspondence than they are in e-mail."